

Louisiana for bringing this amendment.

Mr. MELANCON. I yield 30 seconds to the chairman.

Mr. RAHALL. Just to clarify for my colleague from Washington, my ranking member, if his concern was about the taxpayer ending up paying for something that BP should be liable for under the gentleman from Louisiana's amendment, we do have a catch-all provision in the legislation that applies to not only the entire legislation, but would apply to the gentleman from Louisiana's amendment as well that says none of the funds that are authorized or made available by this act may be used to carry out any activity or pay any cost for removal or damages for which a responsible party, BP, is liable under the OPA.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I simply make the point that, yes, I understand these dollars come from the affected party. But if it gets into the Federal Government Treasury, then the Federal Government is the government of the people, it becomes taxpayer dollars. That's the only point I am making.

I support the amendment. I think it makes perfectly good sense. It has broad support of those Members that are affected by this spill. But I just wanted to simply make that point, probably more to emphasize than anything else that BP is truly responsible for this, and we all recognize that.

I urge support of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. MELANCON).

The amendment was agreed to.

Mr. RAHALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. JACKSON of Illinois, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, had come to no resolution thereon.

APPOINTMENT AS INSPECTOR GENERAL FOR THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to section 2(b) of rule VI, and the order of the House of January 6, 2009, the Chair announces that the Speaker, majority leader and minority leader jointly appoint Ms. Theresa M.

Grafenstine, Manassas, Virginia, to the position of Inspector General for the U.S. House of Representatives effective July 30, 2010.

OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will resume on the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. KLINE of Minnesota. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KLINE of Minnesota. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kline of Minnesota moves to recommit the bill, H.R. 5851, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Whistleblower Parity Act".

SEC. 2. WHISTLEBLOWER PROTECTION FOR CERTAIN OFFSHORE WORKERS.

(a) PROHIBITION ON RETALIATION.—No person shall discharge or in any manner discriminate against any covered employee because such covered employee has filed any complaint or instituted or caused to be instituted any proceeding related to any workplace safety and health regulation issued pursuant to section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) or has testified or is about to testify in any such proceeding or because of the exercise by such covered employee on behalf of himself or herself or others of any right afforded by such Act.

(b) COMPLAINT PROCEDURE.—Any covered employee who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this section may, within 30 days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as the Secretary determines appropriate. If upon such investigation, the Secretary determines that the provisions of this section have been violated, the Secretary shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of subsection (a) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his or her former position with back pay.

(c) NOTIFICATION.—Within 90 days of the receipt of a complaint filed under this section the Secretary shall notify the complainant of the Secretary's determination under subsection (b) of this section.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "covered employee" means an individual engaged in activities on or in wa-

ters above the Outer Continental Shelf related to supporting or carrying out exploration, development, production, processing, or transportation of oil on behalf of an employer;

(2) the term "employer" has the meaning given such term in section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652);

(3) the term "Outer Continental Shelf" has the meaning that the term "outer Continental Shelf" has in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331); and

(4) the term "Secretary" means the Secretary of Labor.

SEC. 4. CONSTRUCTION.

Nothing in this Act shall be construed to affect any rights, protections, or remedies available to covered employees under section 2114 of title 46, United States Code.

Mr. KLINE of Minnesota (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KLINE of Minnesota. Mr. Speaker, like every Member of Congress, I am deeply concerned for the safety of offshore oil rig workers. No worker who sees a hazard to health and safety in violation of the law should fear reporting the violation to the proper authorities. Effective workplace safety starts with compliance, and is enhanced by alert workers who help ensure appropriate safety rules are being followed. That is why I am asking all my colleagues to support this motion to recommit.

This proposal extends the whistleblower protections in the Occupational Safety and Health Act to workers on offshore oil rigs. As I noted earlier, there are a number of concerns with the Democrats' proposal. It creates an entirely new whistleblower protection framework for workers directly or indirectly involved with offshore oil drilling, departing from the long-standing protections in existing health and safety laws.

The majority also fails to focus on oil rig workers, extending their untested form of whistleblower protections to various workers on land who are already protected by existing, and possibly conflicting, statutes.

□ 1630

Legal confusion and uncertainty are never good when it comes to workplace safety. Last month, the Education and Labor Committee heard from Federal officials who could not answer whether offshore oil rig workers have access to basic whistleblower protections. To date, the committee has not received a response to a request for clarification. Virtually every American worker enjoys these important protections, yet Federal officials did not know whether maritime law, Federal safety and health law, or some other law was fully protecting oil rig workers.